

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	Case No. 1:20-CR-143
v.)	
)	Honorable T.S. Ellis, III
ZACKARY ELLIS SANDERS,)	
)	
<i>Defendant.</i>)	
_____)	

**UNITED STATES' NOTICE OF FILING OF REDACTED MEMORANDUM OPINION
AND PROPOSED RESTITUTION ORDER**

The United States of America, by and through undersigned counsel, respectfully submits this notice of filing of a redacted version of the Court's Sealed Memorandum Opinion (ECF No. 615) and a proposed Restitution Order for the Court's consideration and, in support thereof, states as follows:

1. On March 31, 2022, the Court issued a Sealed Memorandum Opinion (ECF No. 615) and a non-sealed Order (ECF No. 616). In its Order, the Court directed the parties to "meet and confer regarding what redactions, if any at all, are necessary to the Sealed Memorandum Opinion so that a public version may be filed" and to "submit any proposed redactions on or before Friday, April 8, 2022." ECF No. 616.

2. Attached to this filing as Exhibit 1 is a copy of the Court's Sealed Memorandum Opinion with a limited number of proposed redactions consistent with the prior redactions to the Court's publicly filed rulings. *See* ECF No. 122. Because the Court's Memorandum Opinion is currently under seal, the version with proposed redactions will be filed under seal directly with the Clerk's Office. The United States submits that these limited redactions are necessary to protect sensitive information that is subject to the Protective Order in this case, and that protecting this

sensitive information outweighs any competing interest in the public's right of access to it. ECF No. 28.

3. The United States provided a copy of the Court's Sealed Memorandum Opinion with the proposed redactions to counsel for the defendant on April 7, 2022, and sought the defendant's views on whether any additional redactions are necessary. On April 8, 2022, counsel for the defendant informed the government that the defendant "objects to all of the government's proposed redactions for the reasons previously set forth in Mr. Sanders's Opposition to the Government's Motion for Order to Show Cause and to Seal (ECF No. 184)." The defendant, however, has sought to redact similar information in the past pursuant to the Protective Order. *See, e.g.*, ECF No. 594.

4. The United States also respectfully notes that the reference to "Operation Pacifier" on page eight of the Court's Memorandum Opinion appears to be in error. "Operation Pacifier" is a prior investigation of a different website that is unrelated to this case. The United States respectfully submits that the Memorandum Opinion appears to have intended to state that two FLAs "were investigating [the Target Website, redacted]," not that they "were involved in Operation Pacifier".

5. Finally, attached to this filing as Exhibit 2 is a proposed Restitution Order for the Court's consideration. The proposed Restitution Order follows with the Court's oral imposition of restitution at the sentencing hearing on April 1, 2022. *See* ECF No. 620. The United States provided a copy of the proposed Restitution Order to counsel for the defendant on April 5, 2022.

Respectfully submitted,

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